

**STATE WATER RESOURCES CONTROL BOARD
RESOLUTION NO. 2015-0028**

AUTHORIZING THE EXECUTIVE DIRECTOR TO ENTER INTO ONE OR MORE
CONTRACTS TO HIRE ENVIRONMENTAL CONSULTANTS TO COMPLETE WORK
REQUIRED BY THE CALIFORNIA ENVIRONMENTAL QUALITY ACT FOR
WATER RIGHTS-RELATED ACTIVITIES

WHEREAS:

1. The State Water Resources Control Board (State Water Board) must comply with the California Environmental Quality Act (CEQA) when it takes discretionary actions related to its authorities, including acting upon requests for water quality certification or an application or permit for a water right;
2. California Code of Regulations, title 14, section 15045, subdivision (a) provides legal authority for the CEQA Lead Agency to charge and collect reasonable fees for the cost of completing environmental activities and documentation;
3. The State Water Board's Division of Water Rights has faced delays in developing and executing Memoranda of Understanding (MOUs) for the payment and completion of CEQA activities and documentation when the State Water Board is the lead agency, and has had processing delays under existing MOUs due to disagreements with CEQA consultants, the refusal of applicants or petitioners to provide payment to consultants for the completion of environmental activities and documentation required by CEQA, or unsatisfactory work products; and
4. Delegation of this authority to the Executive Director will allow the Executive Director to compensate consultants from the Water Rights Fund for the completion of environmental activities and documentation, and pursue cost recovery from the applicant and/or petitioner of the payments to reimburse the Water Rights Fund.

THEREFORE BE IT RESOLVED THAT:

The State Water Board authorizes the Executive Director to do the following:

1. Execute one or more contracts for a total amount not to exceed \$1 million per year for a duration not to exceed five years to administer funds from the Water Rights Fund to hire environmental consultants to complete work required by CEQA for projects processed by the Division of Water Rights;
2. Make direct payments for such work from the Water Rights Fund for a total amount not to exceed \$1 million per year; and

3. Pursue cost recovery from the applicant and/or petitioner in order to reimburse the Water Rights Fund.

This authority may be redelegated.

CERTIFICATION

The undersigned Clerk to the Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the State Water Resources Control Board held on April 21, 2015.

AYE: Chair Felicia Marcus
Vice Chair Frances Spivy-Weber
Board Member Tam M. Doduc
Board Member Steven Moore
Board Member Dorene D'Adamo

NAY: None

ABSENT: None

ABSTAIN: None



Jeanine Townsend
Clerk to the Board